
CHAPTER 3

Preparing and Amending the General Plan

All statutory references are to the California Government Code unless otherwise noted.

A local government often faces one or more of the following tasks: (1) amending its general plan, (2) preparing or revising one or more elements, (3) completely revising its general plan, or, in the case of a newly incorporated city, (4) preparing an entire general plan for the first time. In this chapter, we will primarily focus on publicly initiated general plan amendments—those described by items (2), (3), and (4) above. The most common sort of amendment, that initiated for a specific private development project, usually affects a limited area and does not require the type of detailed consideration afforded publicly initiated changes. However, privately initiated amendments are discussed briefly at the end of the chapter.

The first part of this chapter describes the development of a general plan work program. Beginning with the second section, we outline a strategic approach to the process of preparing or revising a general plan. This is a suggested approach and is not mandatory. The process will vary as circumstances dictate.

THE WORK PROGRAM

Developing the work program should be one of the first tasks after deciding to prepare or amend a general plan. The program should define the responsibilities of each department and/or individual, the scope and direction of the work to be performed, the funding mechanisms, the roles of any consultants, community participation, and budget. The following paragraphs detail a number of things to consider when putting together a general plan work program.

Early Policy Guidance

Receiving early policy direction from the legislative body is important in defining the scope of the work. The guidance may be as simple as a single purpose statement or as complex as a set of visions of how the planning area should be developed or how various population growth issues and public facility demands will be resolved.

The role of the legislative body in the ongoing development of the draft general plan will be different with each jurisdiction. Some may delegate the day-to-day role to a committee or a planning commission, while

others will stay directly involved. In either case, receiving clear early guidance and support is important to a successful general plan process.

Consultants

Due to the complexity of issues and demands upon local agency planning staff, most new general plans or comprehensive revisions will involve the use of consultants. A consultant team may be hired to do the lion's share of drafting the general plan, or individual consultants may be hired to supplement planning staff in specific areas such as transportation, noise, biology, geology, environmental review, and public participation. Consultants may also be used to prepare the CEQA document or carry out the community participation program.

Planning agency staff should be involved in the general plan process as much as time and budget considerations allow. Plans that are prepared entirely by consultants may be more difficult to implement. Having planning agency staff involved in the general plan provides a sense of ownership in the plan, creates familiarity with the details of the plan, which make implementation easier, and may build the capacity of the planning agency. When consultants and planning agency staff are both involved in a general plan process, there may be a tendency to have agency staff involved more with the background data and less with analysis and policy alternatives. This is understandable, given that it is often more cost effective to have staff compile background information. However, it is desirable to have staff directly involved with analysis and policy recommendations for the reasons discussed above.

The decision whether or not to hire a consultant will depend upon considerations such as the scope of the work to be completed, the available staff time, and the cost to the local agency in staff hours and/or consultant contracts. Talking to other jurisdictions that have recently gone through the process can offer insight into the role that consultants played and provide ideas for oversight and quality control. The American Planning Association's publication *Selecting and Retaining a Planning Consultant* (1993) is a useful reference.

The first step in selecting a consultant should be to send to prospective candidate firms a request for qualifications (RFQ) and a description of the consultants' expected role. The RFQ will help narrow the search for qualified consultants. After evaluating the responses, the agency should send a request for proposal (RFP) to the three to five firms that seem to be the best match. Responding to an RFP is costly for consultants, so RFPs should only be sent to those firms the agency would consider hiring. The firms with the top responses to the RFP can be interviewed to select the one best suited to the agency's needs, work program, and budget.

Adoption Deadlines

A newly incorporated city has 30 months after incorporation to prepare and adopt a complete general plan (§65360). During that time, the city is not subject to the requirements that a general plan be adopted or that its decisions be consistent with the general plan. However, the jurisdiction must make the following findings for each decision that would otherwise be required to be consistent with the general plan (§65360(b)):

- ◆ There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or that will be studied within a reasonable time.
- ◆ There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- ◆ The proposed use or action complies with all other applicable requirements of state law and local ordinances.

The director of the Governor's Office of Planning and Research (OPR) has the authority to grant a time extension of up to two years for the preparation and adoption of the general plan. The city or county must make certain findings when requesting an extension and the OPR director may place conditions upon the extension of time.

Each city and county is required by law to revise its housing element at least every five years (§65588). Deadlines for housing element revisions are defined in statute. To find the housing element deadline for a particular jurisdiction, go to the Department of Housing and Community Development's website at www.hcd.ca.gov.

OPR is required to notify a city or county when its general plan has not been revised within eight years. If a city or county has not revised its general plan within

ten years, OPR must also notify the Attorney General. This notification does not necessarily mean the plan is out of date, but may serve as a reminder to comprehensively review the general plan if the city or county has not already done so.

In order to help keep the planning process on track, the work program should establish realistic milestones for completion of its various stages (i.e., data gathering, workshops, draft plan completion, draft EIR completion, etc.). The work program should also set a projected completion date for the new plan or update. Most jurisdictions find that approximately two years is sufficient time to complete a new plan.

Environmental Review

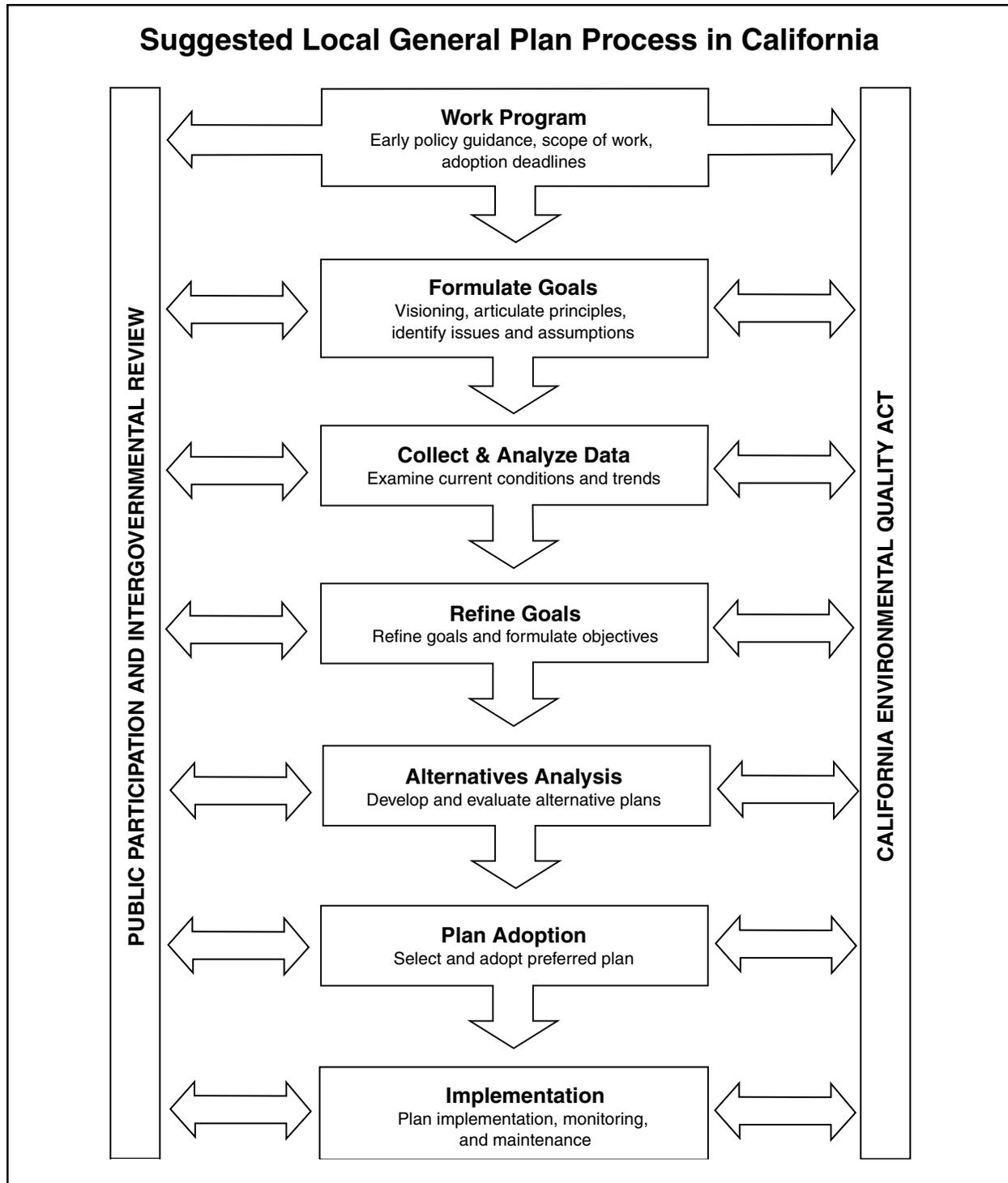
Environmental review is fundamental to the planning process, so undertaking a concurrent CEQA document is usually more efficient than waiting until the plan is ready for adoption to begin the EIR. The work program should schedule sufficient time for the consultation and review periods mandated under CEQA. In addition, the program should block out sufficient time to respond to comments on the EIR. Chapter 7 discusses CEQA's requirements in detail.

Public Participation

Public participation plays an important role in formulating a general plan; opportunities for participation should be reflected in the work program. State law specifies that "[d]uring the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate" (§65351). When drafting the housing element, the law requires local governments to "make a diligent effort to achieve public participation of all economic segments of the community" (§65583). Public participation is discussed in detail in Chapter 8.

Funding

The work program will also include a budget. The cost of preparing or revising the general plan will vary tremendously with the scope of the program and the jurisdiction's circumstances. A new plan or a comprehensive revision will be much more costly than a general plan amendment. On average, county general plans are more costly than city general plans. A recent survey by OPR indicated that the average cost of a general plan update was \$845,000 for counties



and \$255,000 for cities (*The 2003 California Planners' Book of Lists*, Governor's Office of Planning and Research).

For most jurisdictions, preparing and maintaining the general plan is a general fund expense. The availability of general purpose planning grants is limited. There are, however, federal and state funds for par-

ticular planning issues, such as housing, transportation, and habitat. These planning processes can be incorporated into the general plan process in order to leverage resources.

The cost of a general plan amendment associated with a particular development is typically passed on to the developer. Some jurisdictions attempt to recoup the

costs of comprehensive updates in a similar manner. In 2002, the Legislature changed state law to allow development fees to include “costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations” (§66014). This change makes it clear that an update of the general plan may be a recoverable expense. Exactions and development fees are discussed briefly in Chapter 9.

FORMULATE GOALS

After the work program has been established, the first step in a general plan process is to formulate some initial goals. These goals, which are refined throughout the process, may come from the legislative body or through a public visioning process. The initial general plan goals may be in reaction to some other event, such as identification of seismic or flooding hazards, infrastructure limitations, or the need to accommodate regional housing needs. They may be internally driven, such as a desire to alter the jobs/housing balance within the community or revitalize certain neighborhoods.

At this point, planners may wish to identify the principles that will guide the development of the general plan. As discussed in Chapter 1, these principles are not always listed in the final product, but they help to guide the development of the plan. When jurisdictions do choose to enumerate guiding principles in the plan, they are often included in the introduction.

Community Vision

A number of jurisdictions have begun their general plan process by defining a vision of the community-preferred future. This vision, a statement of general goals to be achieved by the plan, provides the foundation for more specific objectives and policies. The visioning process also has the advantage of identifying issues important to the community and providing early direction to data collection. Jurisdictions that choose to begin with visioning should structure the process so that the resulting product will be useful and the process will be completed in a timely manner.

Evaluating Issues: The “Shoe Fits” Doctrine

Issues define the general scope of the work planners must undertake and the course of action they must follow in the planning process. Identify important local and regional issues that should be addressed in the general plan, as well as existing constraints and opportunities. These form the context within which the general plan will be prepared or updated.

While state law establishes the basic contents of the general plan, the full list of issues contained in §65302 and other statutes are not intended to apply in every jurisdiction. Section §65301(c) provides that each state-mandated element need address only those issues that are relevant to the city’s or county’s planning area. This is commonly referred to as the “shoe-fits” doctrine (from the old saying, “if the shoe fits, wear it”). For example, an urbanized city need not discuss prime agricultural soils. Open-space issues in a county where agricultural land and wildlife habitat are important will be very different than those in an urbanized city, which may have parks as its only open space. The exception is the housing element, which must meet all the specific requirements of §65580, et seq.

Several points should be kept in mind when evaluating issues. The elimination of a state-mandated issue from further consideration should be based on a reasonable assessment of the issue’s relevance. For example, wildland fire hazard may be eliminated as irrelevant if the local government has examined the available information and consulted local and state fire agencies that are likely to have information and found no hazard to exist. When an issue is found to be irrelevant, the basis for this judgment may be briefly noted in the general plan.

An issue that seems irrelevant in the short term but that may be important in the long term should be addressed in the general plan, even if only conceptually. This might include, for example, a major flood control system that is in a preliminary planning stage.

When new information becomes available indicating that a previously excluded issue is now relevant, the general plan must be revised to address the issue. The discovery of a previously unknown earthquake fault is an example. Another example is the increased potential fire hazard that follows growth in foothills and mountainous areas.

Whether the jurisdiction is a city or county, rural or urban, mature or growing will color its analysis and define the issues that are of greatest importance. As discussed later, the general plan should focus on those issues that are relevant to the planning area.

Traditionally, counties have been concerned with the management of natural resources. Counties also have an important role in coordinating the plans and programs of cities and special districts and in directing urban development to areas with available services. The county plan should also provide information for city planning through studies of areawide concerns such as population and economic trends, seismic hazards, wildfire hazards, agricultural

lands, natural resources, and environmental conditions. Cities control land use, provide urban services, and promote more localized community interests. Cities should operate within the context of the county, neighboring cities, and the region.

Differences also exist between rural and urban jurisdictions. The economies of rural jurisdictions generally rest on the use and development of natural resources, while the economies of urban jurisdictions normally revolve around industry, commerce, and services. Rural jurisdictions tend to deal extensively with the federal government on matters relating to federal lands, while urban jurisdictions tend to work closely with regional planning agencies, particularly concerning air and water quality programs.

Assumptions

In preparing a general plan, a city or county will make certain assumptions about its future. For example, a jurisdiction with winter ski resorts might assume that tourism will continue to be important to its economy. Urbanized areas might assume continued population growth. Assumptions such as these will influence a local government's selection of its planning policies and its preferred general plan alternative.

To ensure that the assumptions list will be comprehensive and representative of the community, cities and counties should promote community participation in the enumeration process. Naturally, at this stage, the list will be preliminary. It may be refined at later stages as general plan background data is collected and analyzed.

Assumptions are essential to the formulation of objectives, policies, and plan proposals. They need not be included in the final general plan, although they might be included in an appendix in order to document the basis for the plan.

COLLECT AND ANALYZE DATA

The next step is to examine existing physical conditions, regulatory requirements, and plans, including plans of other agencies. This step is sometimes begun concurrently with or in anticipation of goal formulation.

Data Collection

The general plan must be based on solid data if it is to serve as the primary source of community planning policy. Identifying issues, constraints, and opportunities and defining a community vision helps to set the direction for studies and establishes the range of infor-

mation and the level of detail that will be needed to complete the plan. Collecting and analyzing data can be expensive and the capacity of any government agency to process and use information is limited. Jurisdictions must consider their general objectives and use their best judgment when determining the types and amount of information they need for policymaking.

Background information for all of the elements should be referenced or summarized in the general plan. Technical appendices are a good place in the adopted general plan for this information. Placing background information in an appendix enables users of the plan to more easily find the plan's policies when they need them.

Information collection and analysis is important throughout the planning process. For example, additional information regarding the state of the community may be needed during the fine-tuning of draft policies by the city council.

After the plan has been adopted, evaluating its implementation and making course corrections relies upon the local agency's ability to continue collecting and analyzing information. The general plan is a long-term document. It must be regularly refreshed with new data as it becomes available in order to ensure that its long-term outlook does not become outdated. This ongoing revision and refreshment is particularly important where a master EIR is certified for the plan as described in Chapter 7.

Existing Land Uses

When preparing or revising a general plan, planners need an accurate picture of the existing land uses in the planning area. There are a number of sources of land use information:

- ◆ Subdivision maps and assessor's maps provide information on existing lot sizes and land uses, both of which can be indicators of land use intensity.
- ◆ Field surveys are useful both for identifying generalized land use distributions and for cataloging uses parcel by parcel.
- ◆ Low-altitude aerial photography provides an overhead view that can be translated to land use categories.
- ◆ High-altitude photography and satellite imagery can identify land uses at a broader scale. Satellite imagery, including LANDSAT and infrared photos, is available from the U.S. Geological Survey's Western Geographic Science Center (<http://wgsc.wr.usgs.gov>).

Information Available from Other Governmental Agencies

Local

Assessor's Office: base maps, assessed valuation data

Building Department: water quality, septic tank usage, housing conditions

Fire Department: fire hazard assessment, fire flows, hazardous materials, emergency response

Health Department: water quality standards, septic system percolation standards, environmental health hazards

Parks Department: park use, projected park needs, park design

Police/Sheriff's Office: crime statistics, automobile accident rates, emergency response

Public Works Department: roads, drainage, water supply, capital improvements, liquid and solid waste disposal, traffic counts

Child Care Council: child care needs and resources data, county child care plans

Regional

Adjoining Cities and Counties: general plans, special studies, infrastructure

Air Quality Management or Air Pollution Control District: air quality plans, air quality monitoring

Councils of Government: transportation models and projections, population projections, housing need allocations, special studies

Local Agency Formation Commission (LAFCO): spheres of influence

Regional Transportation Planning Agency: road funding sources, traffic and transportation models, traffic projections, trip reduction ordinances, regional

transportation improvement lists, congestion management plans, transit statistics

Regional Water Quality Control Board: wastewater management, waste discharge, surface and groundwater aquifer protection

School District: enrollment data, school facilities projections, population information

Special District: infrastructure, service consumption rates, demand projections, planned expansions of services, service limits

State

Air Resources Board: air quality studies, data, and guidelines

California Environmental Protection Agency: air and water quality, toxic and hazardous materials

California Highway Patrol: traffic accident statistics, hazardous materials transport

Coastal Commission: local coastal program

Department of Conservation: geologic and seismic hazards, important farmlands maps, Williamson Act, oil recycling, gas and geothermal well locations and conditions

Department of Finance: census information, population estimates and projections and special censuses, school enrollment projections

Department of Fish and Game: game and non-game species, including threatened and endangered plants and animals, habitat, riparian areas, wetlands, and other wildlife topics

Department of Forestry and Fire Protection: wildfire hazard assessment and control, regional soil and vegetation maps, watershed and resource management

- ◆ The California Department of Conservation's "Important Farmland Series" maps identify existing farmland in various areas of the state. The department's oil and gas maps identify oil, gas, and geothermal fields and well locations and its seismic and geologic hazard maps identify those hazard zones (www.conservation.ca.gov).
- ◆ The California Department of Water Resources maintains land use maps and aerial photographs that can be of use to local planning agencies (www.water.ca.gov).
- ◆ The U.S. Geological Survey's Land Use and Land Cover Classification System employs 1:250,000 and 1:100,000 scale base maps providing information on urban or developed land, agricultural land, rangeland, forests, water, and wetlands (www.usgs.gov).
- ◆ The Legacy Project, within the California Resources Agency, has created a California Digital Conservation Atlas. The atlas provides information on natural resources at a regional and statewide level in a GIS format. Users can create thematic maps online (www.legacy.ca.gov).

Information Available from Other Governmental Agencies, Continued

Department of General Services: state buildings inventory

Department of Health Services: water system licensing, wastewater reclamation, hazardous materials, noise element and noise insulation assistance

Department of Housing and Community Development: housing element assistance, mobilehomes and mobilehome parks, low- moderate income housing, density bonuses, CDBGs, housing-related issues

Department of Parks and Recreation: historic preservation, park use statistics, archeological resources, state parks

Department of Transportation: traffic counts and projections, transportation system design and management, road funding sources, freeway noise information and mitigation programs, scenic highways, district system management plans, Interregional Road System Plan, transportation corridor preservation plans, California Aviation System Plan

Department of Water Resources: floodplains and floodplain management, urban and agricultural land use data, State Water Plan

Employment Development Department: labor force statistics, employment statistics

Energy Commission: power plant and transmission line siting, energy conservation, environmental impacts and mitigation

Integrated Waste Management Board: solid waste disposal and reduction

Mining and Geology Board: important mineral resources, Surface Mining and Reclamation Act (SMARA)

Office of Emergency Services: emergency response planning, dam failure inundation maps, earthquake preparedness, hazard mitigation grant program

State Lands Commission: state lands inventory, navigable waters and tidelands

Technology, Trade and Commerce Agency: economic conditions, economic development

Water Resources Control Board: water quality regulations

Federal

Army Corps of Engineers: flood control, floodplain management, special flood studies, wetlands regulations

Bureau of Land Management: federal land inventory, resource information

Bureau of Reclamation: flood control and management, water projects

Environmental Protection Agency: grants and permits affecting air, water, solid waste, toxic and hazardous materials, wetlands, endangered species

Federal Emergency Management Agency: flood hazard mapping, flood insurance rate maps

Fish and Wildlife Service: wetland survey, endangered species

Forest Service: biota and resource information, land inventory, National Forest plans

National Park Service: biota and resource information, National Park plans

Natural Resources Conservation Service: soils maps, soils and erosion control information

- ◆ For organizing land uses in a standardized format, particularly if you will be revamping your zoning ordinance at the same time as your general plan, you may want to use a land use classification system. Several standard classifications systems exist. One of the most common is the North American Industry Classification System (NAICS), developed by the U.S. Census Bureau and its counterparts in Canada and Mexico to provide a common framework for collecting economic statistics within NAFTA (www.census.gov/epcd/www/naics.html). It replaced the Standard Industrial Classification

(SIC) system. A classification system tailored to land use planners is the Land-Based Classification Standards (LBCS) system. This system was developed by the American Planning Association and several federal agencies (www.planning.org/lbcs).

Planning Ideas

An important aspect of preparing a plan is incorporating new ideas. Throughout California, communities are adopting new general plans or plan elements and revising existing plans. Other jurisdictions of similar size to your own may have useful ideas on how to ap-

proach local issues. The *California Planners' Book of Lists*, produced annually by OPR, can help to locate recently adopted elements. The *Book of Lists* can be found online at www.calpin.ca.gov. In addition, the yearly awards presented by the California Chapter of the American Planning Association recognize examples of good plans.

There are many current books on planning approaches, as well as technical subjects. The American Planning Association's Planner's Book Service and the Urban Land Institute sell books on subjects ranging from economic analysis to urban design. See the Bibliography for titles.

Recent court cases may provide insights that affect the general plan. Publications that track and analyze planning-related litigation include:

- ◆ *Curtin's California Land-use and Planning Law*, which examines the California planning codes in the context of applicable court cases.
- ◆ *Longtin's California Land Use Regulations*, which takes a detailed look at California's development codes and related litigation.
- ◆ *California Zoning Practice*, published by the California Continuing Education of the Bar, which is similar to the previous two books.

Information about planning, including cutting edge theory, is also available on the Internet. Two notable sites among the many cited in the Resources section are:

- ◆ The Land Use Planning and Information Network (LUPIN) at <http://ceres.ca.gov/planning>, which contains links to resource information, county general plans, and other useful tools.
- ◆ Cyburbia (www.cyburbia.org) is a treasure trove of information about planning and contains links to hundreds of other sites.

Reviewing state planning and development laws is also beneficial. Each year, the Legislature enacts laws affecting local government planning activities. OPR annually compiles these statutes in one publication, *Planning, Zoning and Development Laws*, available for download on LUPIN.

The Natural Environment

Examining the jurisdiction's existing environment is a classic early step in preparing or revising a general plan. Communities should identify their green infrastructure, determining their regional form and natural systems, such as water, habitat, forest, natural features and

boundaries, mineral deposits, open space and parks, and working landscapes such as agricultural land. The connectivity of these natural systems should also be examined. Information about environmental hazards, such as wildland fires, floods, and landslides, can also help determine the relative suitability of lands for development.

Data gathered during this stage, whether in written or map form, will be useful during the concurrent preparation of the general plan's EIR. For future use, this data can be organized into a Master Environmental Assessment (MEA) inventorying the physical and biological characteristics of the planning area. Chapter 7 contains a detailed discussion of the MEA.

Regional, state, and federal agencies have topical information about environmental conditions. Regional air quality agencies have information on air quality trends, growth assumptions, meteorology, and land use/transportation control measures. Councils of government often have special studies and plans that discuss regional environmental attributes. The Association of Bay Area Governments, for example, has extensive information on seismic hazards available online (www.abag.ca.gov).

The California Geological Survey, within the Department of Conservation (www.conservation.ca.gov/cgs), has maps of earthquake faults and other seismic hazards useful to developing the safety element. The Department of Water Resources (www.water.ca.gov) has flood hazard maps. The Department of Fish and Game (www.dfg.ca.gov) has compiled the California Natural Diversity Database (CNDDDB), which provides location and condition information concerning California's rarest plants, animals, and natural communities. The California Department of Forestry and Fire Protection (www.fire.ca.gov) has wildland fire hazard severity maps and the Office of Emergency Services (www.oes.ca.gov) has maps showing the potential for inundation from dam failure.

The U.S. Fish and Wildlife Service's National Wetlands Inventory has published a comprehensive set of maps of wetlands throughout the state (www.nwi.fws.gov). The Natural Resources Conservation Service (www.nrcs.usda.gov) has compiled detailed information on soil types and erosion control methods. More sources of information are cited in Chapter 9 and in the Bibliography and Resources sections.

EIRs prepared for past projects are another source of environmental and resource data. Although this information is usually pertinent to a relatively small area, when taken together EIRs can provide valuable resource and environmental data that is applicable jurisdiction-wide.

Infrastructure Capacity

One determinant of the amount and location of future development is the capacity of the physical infrastructure (i.e., schools, fire stations, roads, sewer trunk lines, drainage systems, water and gas transmission lines, electric and other utilities, etc.). The current and projected capacities of these systems should be evaluated and compared to current levels of use, the levels projected by the existing plan, and the levels projected by the draft plan alternatives. The resulting analysis will help to identify available opportunities for development as well as potential constraints.

The location of infrastructure elements such as sewer and water trunk lines should be mapped as part of this study. The adequacy of water supplies to serve future development is of particular concern in most parts of the state (see Chapter 6 for a description of water supply planning issues). Consult with affected public utilities and special districts, if any, for information on the location and capacity of their facilities. Contact local school districts for information regarding school capacities, projected needs, and surplus properties, if any.

Regional and state transportation, air quality, and water quality plans and regulations should also be reviewed. Consider whether any of these plans affect the future operation and expansion of public and private facilities. Still another regional consideration involves the housing element. State law mandates that cities and counties recognize their share of their region's existing and projected housing needs (§65583(a)(1) and §65584).

The following basic questions should be answered in regard to infrastructure:

- ◆ Is capacity sufficient to serve current planned demand?
- ◆ Are there any areas with acute shortages of service?
- ◆ Are there areas with excess capacity?
- ◆ Will additional infrastructure be necessary to accommodate future development?

This information will help decide when and where expansion will be needed and how infrastructure improvements and expansions will be funded and will help in estimating the cost of extending services for each of the plan alternatives. It will also inform decision-makers about which of the general plan alternatives may be the most cost effective.

Demographic Information

Identifying population trends is necessary to the development of realistic community goals. Population data are particularly important when preparing the land use, circulation, and housing elements. Population

figures include estimates and projections. An estimate is a measure developed for some point of time in the past, e.g., a city's total population as of January 2002. A projection is a conditional population figure for some point in the future based on a given set of assumptions, e.g., a city's population in 2015 if historical growth trends continue.

The Demographic Research Unit within the California Department of Finance (DOF) prepares annual population estimates for the state and for individual counties and cities. Information on housing units, vacancies, average household size, components of population change, and special populations is also available. DOF also forecasts both population and public school enrollment for the state and for each county for 50 years into the future with age, sex, and race/ethnic detail.

DOF data are used to comply with various state codes, including the Regional Housing Needs Assessment (RHNA) process, and for research and planning purposes by federal, state, and local agencies, the academic community, and the private sector.

Cities and counties working on local population projections should also contact the council of government (COG) for their region. COGs frequently prepare population projections for regional traffic and housing studies. COGs also may act as coordinators for federal Census data.

While estimates of population, projected change in total population size, and the rate of change are commonly used in community assessment, the composition of the subject population is more important than the mere size of the population. California is undergoing strong population growth and has been growing increasingly diverse in its ethnic composition. Different population subgroups account for varying patterns of behavior that impact planning assumptions and projected outcomes. Housing, schools, transportation, employment, and recreation needs are all affected by age, sex, and ethnicity.

Understanding the nature of population change is particularly useful for land use planning. Population changes not only in total size, but also undergoes compositional change and membership change. Compositional change is represented by net shifts in population subgroups, such as the shift in the proportion of an ethnic majority from white to Hispanic, and is often associated with different behavioral characteristics. Membership change is turnover in the individual members of the population, such as college students who enter and leave a community, and may or may not change the composition, and thus the characteristic behavior, of the population.

As discussed in the previous chapter, understanding the distribution of low-income and minority populations has important implications for environmental justice. Good demographic information serves to identify disproportionate effects of environmental burdens and subgroups underserved by public facilities and services. It can also improve public participation in the planning process.

Housing Stock and Needs

Under housing element requirements (§65583), local governments must identify and analyze existing and projected housing needs and inventory the resources and constraints relevant to meeting those needs. The contents of the element must include the following:

- ◆ Population and employment trends, documentation of projections, and quantification of the existing and projected housing needs for all income levels. This needs analysis must include the locality’s share of the regional housing need.
- ◆ Household characteristics, including level of housing costs compared to ability to pay, housing characteristics, including overcrowding, and housing stock conditions.
- ◆ Land suitable for residential development, including vacant sites and those with redevelopment potential, and the relationship of zoning and public facilities and services to these sites.
- ◆ Governmental constraints on the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures.
- ◆ Non-governmental constraints on the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.
- ◆ Special housing needs, such as those of the disabled, the elderly, large families, persons in need of emergency shelter, farmworkers, and families with female heads of household.
- ◆ Opportunities for energy conservation in residential development.

Projection of the city’s or county’s housing needs should be consistent with the regional housing needs assessment prepared by the COG or the Department of Housing and Community Development (HCD) for the region within which the jurisdiction is located. Infor-

mation and assistance in preparing the analyses and projections may be obtained from HCD or the COG. In large measure, the information and data evaluation methods used will be the same as those described in the preceding section. Because the regional housing need is calculated in periods of five years and general plan projections are typically twenty years, planners should ensure that the projections are compatible.

Economic Conditions

Assessing economic trends is also important in preparing a realistic general plan. Jurisdictions may undertake one or more economic studies on such subjects as employment, market demand, and the fiscal impact of various plan alternatives on the city or county. The projections that result from these studies will form the basis for planning assumptions.

The Bureau of Economic Analysis (www.bea.doc.gov) and the Census Bureau (www.census.gov) collect national and state data. State information is also available from the Employment Development Department (www.edd.ca.gov), the Department of Finance, and the State Board of Equalization (www.boe.ca.gov). Data for small areas may be available from local special censuses or surveys.

Existing Commitments and Policies

Your jurisdiction’s past decisions—approval of a vesting tentative subdivision map, approval of development agreements, agricultural preserve boundaries, a commitment to provide certain services, etc.—influence future actions. Carefully review your previous commitments to determine which are irreversible.

Also important are the plans and commitments of adjoining cities and counties, local school districts, utilities, councils of government and other regional agencies, Caltrans and other state agencies, federal agencies such as the Bureau of Land Management and the U.S. Forest Service, and others. Collect and review the plans of adjoining cities, counties, and affected regional agencies. The information in these plans, as well as their objectives, policies, and programs, will be important when evaluating the regional context of the proposed general plan.

Irreversible commitments will generally be among the “givens” that are included in the plan. These will be in the draft plan as a matter of course or carried over from the previous plan and probably will not be altered. Commitments must be consistent with the goals, objectives, and policies of the proposed general plan if they are to be included as part of the plan.

Current land use policies should be examined in

similar fashion. If long-standing policies would be altered by the proposed plan, would this affect projects that previously have been approved but not completed? The general plan may provide a transition between new policies and those under which projects were previously considered.

Regulatory Setting

Cities and counties in California are subject to a variety of state and federal regulations. These regulations affect future development, often on a project-by-project basis. The general plan is a means to address many of these regulations at a programmatic level and perhaps reconcile potential conflicts. Conversely, some of these regulations may provide tools for general plan implementation. For example, the Williamson Act may help a county achieve its open space goals for agricultural lands. Chapter 9 discusses a number of state and federal regulations that may need to be considered in the general plan process.

Analysis

The planning staff must distill the mass of raw data that has been collected during the early stages of plan preparation into a usable form. The analysis of data serves as the bridge of logic from raw data to policy. The staff's methods and information base should be available for review by both decision-makers and the public. As part of the hearing process, it will be the task of the planning commission, the planning advisory body, and the city council or board of supervisors to make further refinements to the preliminary work done by staff.

At the conclusion of the analysis phase, the planning staff should have gathered not only enough information to complete the plan in accordance with the work schedule, but also to answer the pertinent questions of both the public and decision-makers. Ideally, the planners will act as a central source of information about the community's history, environment, infrastructure, economy, and social characteristics.

Data collection, data analysis, and special studies should be coordinated with the needs of the CEQA document being written for the plan. In the interest of efficiency, data collection and analysis should be comprehensive enough to satisfy the needs of both the CEQA document and the general plan. For instance, the traffic analysis prepared for the land use and circulation elements must be complete enough to allow the evaluation of alternative plans, the final plan, and the project alternatives discussed in the general plan's final EIR.

REFINE GOALS AND DETERMINE OBJECTIVES

After data has been collected and analyzed, the goals developed early in the planning process may need to be revised. These refined goals should then lead to a set of objectives. Many jurisdictions do not separate goals and objectives, and proceed directly to the formulation of policies and alternative plan proposals.

Formulating Objectives and Policy

As noted in the definition of policy statements in Chapter 1, general plan objectives provide the direction for a community's physical development. These objectives help define the range and types of data necessary for preparing the plan. Consequently, cities and counties should draft their general plan objectives in the early stages of plan preparation once the issues, opportunities, and assumptions have been determined.

State law mandates citizen involvement in general plan preparation "through public hearings and any other means the city or county deems appropriate" (§65351). The public should be involved in the formulation of objectives to help make sure that they reflect community values.

Developing objectives can be difficult. Objectives tend to be general and futuristic and their direct effects on individual citizens often are not readily apparent. Conversely, identifying objectives may also crystallize areas of disagreement. Nevertheless, a plan that is formulated without some type of community consensus may be headed for an early major revision. Ample publicity about the formulation process, along with some specific examples of the potential effects of objectives, may help stimulate public interest and allay concerns.

Even with good community participation, problems may arise when:

- ◆ Objectives are not held in common by all community members.
- ◆ There are conflicts between the objectives of individuals and those of the community.
- ◆ There is disagreement about whether certain objectives are intermediate or ultimate in nature.
- ◆ There is disagreement about what ends the objectives serve.
- ◆ Objectives conflict with one another.
- ◆ There is disagreement about the relative value of objectives.
- ◆ Objectives are unrealistic or infeasible to attain, such as objectives that are contrary to law or beyond the jurisdiction's authority.

Here are some suggestions for working through issue-related conflicts:

- ◆ Establish the perimeter of concern for the issue. Decide the types of issues to be addressed by the general plan's objectives. This focuses discussion on a set of relevant issues.
- ◆ Establish a range of choice. Within the perimeters of concern, the jurisdiction should select the major desirable objectives that have a chance of being realized.
- ◆ Consider the relationships between issues. Relationships will exist among the selected objectives. For example, some may be means to higher objectives. Others may be mutually exclusive. Directing effort toward certain objectives may draw resources from the work toward others.
- ◆ Assign relative values to related issues. This evaluation can be carried out in part with the preceding step to eliminate unwanted or unnecessary objectives.
- ◆ Establish policy. At this point, the jurisdiction should be able to select a tentative set of objectives. These will guide subsequent work on the general plan and may be revised at later steps in the process.

DEVELOPING AND EVALUATING ALTERNATIVE PLANS

For any set of objectives, there will be a number of possible courses of action a community may pursue. Alternative plan proposals should be developed and examined at this stage to enable a community to weigh its possible directions. Besides the objectives, the varying plans should contain alternative sets of principles, policies, standards, and plan proposals. To the extent possible, the alternatives should be developed with implementation measures in mind. This will help to ensure the feasibility of the basic policies of each alternative.

The nature and detail of the alternatives will depend upon the extent of the planning program. For new general plans and comprehensive general plan revisions, the alternatives may focus on population levels and on the scale, location, and type of development. The alternatives in a more limited planning program, such as for a single element, may deal with a narrower range of options. In some cases, alternative plans may differ only in their treatment of a particular region or issue. In these instances, take care that the alternative policies and implementation measures are consistent with other parts of the plan.

Alternatives need not be highly detailed. The idea is to look at possible futures. Detailed objectives and policies will be developed once the preferred plan is selected. Additionally, the alternatives need not be mutually exclusive. Ultimately, decision-makers may select an amalgam of two or more alternatives as the best choice.

Each alternative should be evaluated for its short- and long-term effects on the community. Three major areas should be examined: economic, social, and environmental. Performance in these areas will help select the preferred plan.

In this era of tight city and county budgets, the assessment of the economic effects of general plan proposals and of specific projects has become increasingly important. Economic impact assessment, focusing on both fiscal impacts and broader economic effects, tries to quantify the relative economic efficiency of alternative proposals. Books such as *Development Impact Analysis* (1990) by Robert W. Burchell and the *Development Impact Assessment Handbook* (1994), also by Robert W. Burchell (see the Bibliography), are helpful in calculating the fiscal impacts of growth.

Social impact assessment has become fairly common in recent years. Unlike environmental and economic impact assessments, which focus primarily on the effects on systems and institutions, social impact assessment focuses on individuals and groups of people within the community. It attempts to identify and assess changes in people's well-being and/or quality of life.

CEQA Guidelines §15126 specifically requires that an EIR, including a general plan EIR, address feasible alternatives that will reduce or avoid one or more of the significant effects associated with the proposed plan. The EIR must also analyze the "no project" alternative. The level of detail in the analysis of the alternatives should correspond to the specificity of the planning document. The EIR's analysis should help local legislators select the most appropriate general plan alternative to adopt. For a more detailed discussion, see Chapter 7.

SELECTING THE PREFERRED PLAN

After the community thoroughly reviews the planning alternatives, decision-makers should be able to select a preferred course of action, either one of the alternatives examined or a synthesis of parts of several alternatives. Whatever the decision, the basic direction must be set as clearly as possible.

The preferred alternative at this point may lack sufficient detail to meet all state requirements and community needs. This will be particularly true when preparing a new general plan or thoroughly revising an

old one. Consequently, the objectives and policies will need adjustment and refinement, while standards, plan proposals, and implementation measures will require more detail. The result of this process will be a draft general plan that can be submitted to the public and to decision-makers for formal review. Additional environmental assessment will be required if substantial changes are made to an alternative.

Adopting the General Plan or Plan Update

Where possible, formal public review of the draft plan and the draft EIR should take place together. The entire general plan proposal must be considered by the planning commission at a public hearing before it takes formal action on a general plan or a general plan amendment (§65353). A recommendation by the planning commission to approve a general plan or an amendment must be made by not less than a majority of its total membership (§65354).

The legislative body (i.e., city council or board of supervisors) must likewise hold at least one public hearing on the general plan and the recommendations of the planning commission before taking formal action (§65355). At least 10 days prior to each of these hearings, the local government must give public notice of the time and place of the public hearing by publishing an ad in a newspaper of general circulation (§65353, §65355, and §65090). In addition, the proposal must be referred to the agencies listed in the next section under “Intergovernmental Coordination.”

If a proposed general plan or amendment would affect the “permitted uses or intensity of uses of real property,” notice of the public hearing must also be mailed directly to the affected property owners; local agencies expected to provide water, sewer, street, school, or other essential facilities or services to the project; and the owners of properties that are within 300 feet of the project boundaries. If the number of landowners to whom notice must be provided exceeds 1,000, the agency has the option of placing a 1/8-page advertisement in a newspaper of general circulation at least ten days before the hearing (§65353).

The formal public review inevitably leads to changes in the draft. If the community and decision-makers, particularly the legislative body, have been actively involved from the begin-

ning, there should be few major changes. If the legislative body makes substantial changes in the proposal not previously considered by the planning commission, such changes must be referred back to the planning commission for its consideration prior to final action by the legislative body (§65356). The change may need to be subjected to additional environmental review.

Pursuant to CEQA Guidelines §15090, the adopting agency must certify that the final EIR has been completed in compliance with CEQA, that it was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to adopting the general plan (*City of Carmel-by-the Sea v. Board of Supervisors (1977) 71 Cal. App. 3d 84*; *Kliest v. City of Glendale (1976) 56 Cal. App. 3d 770*).

Planning is a political process. It is seldom possible to write a general plan that is all things to all people. However, the plan that emerges from the meetings and hearings should, to the extent practical, attempt to reconcile community interests. The ultimate success of the general plan will depend upon public acceptance. The general plan will be the community’s basis for decision-making and, as such, should reflect the views of the community as a whole.

Voters may also act directly to adopt or change a general plan. Because adoption of a general plan is a legislative act, it is subject to the initiative and referendum processes (*Yost v. Thomas (1984) 36 Cal.3d 561*; *DeVita v. County of Napa (1995) 9 Cal. 4th 763*).

Intergovernmental Coordination

State law requires local governments to work not only with citizens, but also with other governmental agencies and public utility companies in preparing and implementing their general plans (§65103(e)(f), §65351,

REFERRALS TO STATE AGENCIES		ELEMENT						
		Land Use	Circulation	Housing	Conservation	Open Space	Noise	Safety
AGENCY	California Geological Survey							X
	Coastal Commission	All elements related to the Local Coastal Plan						
	Department of Forestry & Fire Protection							X ₁
	Department of Housing & Community Development			X				
	Mining & Geology Board	X ₂			X ₂	X ₂		
	Office of Emergency Services							X
	Resources Agency					X		

1 Applies only to counties with State Responsibility Areas for wildland fire
 2 Submit all elements containing mineral resource management policies

and §65352). Intergovernmental coordination involves more than a formal exchange of information and plans. In the planning process, legitimate conflicts can crop up between agencies with different responsibilities, constituencies, and viewpoints.

Upon request, a city must refer a proposal to amend or adopt a general plan or zoning ordinance to a county whose planning review area would be affected by the action. A county must do the same for an affected city (§65919 and §65919.3).

The affected county or city must be notified no later than the date upon which the city or county provides notice of the planning commission's hearing on the proposal. The hearing notice must be delivered by mail or by hand, contain the information provided in general hearing notices, and state the earliest date upon which the city council or county board of supervisors will act on the proposal (§65919.4). A city or county desiring referrals of this type must file a map or other documentation as specified in §65919.2. Alternatively, a city and county may agree on a referral procedure.

A local government that receives a referral has 45 days to review, comment, and make recommendations regarding the plan proposal's consistency with the affected city's or county's general and specific plans and zoning ordinance. Before a city or county adopts or amends a plan, it must consider the affected jurisdiction's comments and recommendations. If a local legislative body modifies and sends the proposed action back to its planning commission, it must also refer the change to the affected city or county.

Cities and counties must send their adopted housing element, and any amendments, to all public agencies and private entities that provide water and sewer service (§65589.7). Water and sewer service providers shall, when allocating resources, give priority to those proposed developments that help meet the city's or county's share of the regional housing need for lower-income households.

A local planning agency is entitled to review for consistency with its general plan real property acquisitions for public works, real property dispositions, and proposed public buildings or structures as specified by §65402(b)(c). These are actions and projects undertaken by another city, county, or local agency within the reviewing agency's jurisdiction.

Cities and counties should also consult with tribal governments within their planning area. Indian tribes retain certain inherent powers of self-government derived from their quasi-sovereign status. Thus, Indian tribes and federally owned lands in trust for California Indians are not subject to the planning and land use regu-

lations of cities and counties. Nevertheless, cities and counties containing Indian lands need to work closely with local tribes so that the general plan reflects the tribal governments' development plans for these areas. Close coordination is also important in arriving at compatible land use proposals for the areas adjacent to Indian trust lands.

Submitting Plans to State Agencies

State law and selected regulations require cities and counties to send copies of their general plan documents to selected state agencies for review. In only one case does a state agency actually have authority to approve general plans: the Coastal Commission certifies the adequacy of Local Coastal Programs, which include relevant portions of local general plans for jurisdictions in the coastal zone.

Cities and counties must send draft housing elements and proposed amendments to HCD for review prior to adoption (§65585(b)). State law requires local governments to send the drafts of new housing elements to HCD at least 90 days prior to adoption. When a city or county considers a housing element amendment, the planning agency must send a draft of the proposal to HCD 60 days prior to adoption.

HCD is required to send its comments on a draft to the city or county planning agency within 90 days for new housing elements and 60 days for an amendment. The city council or county board of supervisors must consider those HCD comments that arrive on time. If the comments arrive late, local governments must consider them in conjunction with future housing element amendments. Furthermore, each city and county must send to HCD copies of the adopted housing element and any amendments (§65585(c)). For any housing element that has been found by HCD to substantially comply with the requirements of state housing law, there is a rebuttable presumption of validity in any legal challenge.

Every city and county must consult with the California Geological Survey and the Office of Emergency Services before the adoption or revision of a safety element. Local governments must respond to the findings of these agencies as specified in §65302(g).

In addition, state law directs counties containing state responsibility areas for fire protection to seek and respond to safety element advice from the State Board of Forestry and every local agency that provides fire protection to unincorporated territory in the county (Public Resources Code §4128.5). Similarly, cities and counties must submit proposed mineral resource

management polices to the State Mining and Geology Board for review and comment. The same is true for subsequently proposed policy amendments (Public Resources Code §2762(b) and (c)).

Local governments must send their open-space elements to the Secretary of the Resources Agency. Section 65563 provides in part that, “on or before December 31, 1973, every city and county shall prepare, adopt, and submit to the Secretary of the Resources Agency a local open-space plan.”

Jurisdictions may seek input from other state agencies besides those cited above. Agencies such as Caltrans, the Department of Fish and Game, the Department of Conservation, the Office of Emergency Services, and the Regional Water Quality Control Board often have a major interest in the consequences of local planning. As a matter of intergovernmental coordination, cities and counties should send copies of their draft general plans to their state contacts.

As a final requirement, under the CEQA Guidelines, local jurisdictions must submit draft EIRs for general plans, elements, and amendments to the State Clearinghouse within the Office of Planning and Research to allow review by state agencies (Title 14, California Code of Regulations, §15161.6).

While not required by law, planning agencies may send a copy of a newly adopted or revised general plan or element, along with subsequent amendments, to the County Municipal Collection in the State Library’s Government Publications Section. The library makes general plans available to the public for reference. Library users may also borrow plan documents through any local library’s inter-library loan process. In addition, the Resources Agency, through the Land Use Planning Information Network (LUPIN, www.ceres.ca.gov/lupin), has an electronic library of local general plans and always appreciates getting electronic copies to add to the collection.

IMPLEMENTING THE GENERAL PLAN

A person can determine a city’s or county’s commitment to its general plan by the manner in which local officials implement the plan’s policies to achieve its objectives. The most successful plans are those that were written from the start with a concern for realistic and well-timed implementation measures.

Adopting infeasible planning policies or implementation measures is a waste of time. To avoid this, the planners who will be implementing the plan should be involved in its preparation. In addition, the general plan should identify, where appropriate, the local agencies responsible for carrying out implementing actions (i.e.,

the current planning division of the planning department or the development/traffic engineering division of the public works department).

While existing law specifically requires an identification of implementation actions in the open-space, housing, and noise elements, the general plan should identify such measures relative to every element. For example, the land use element might indicate that its provisions will be carried out by particular zoning measures, subdivision procedures, specific plans, development agreements, or the local building code. Chapter 10 contains a more detailed discussion of general plan implementation measures.

CEQA requires that general plan policies and the implementation program reflect the mitigation measures identified in the plan’s EIR. In addition, the jurisdiction must adopt a mitigation monitoring or reporting program to ensure that mitigation measures are implemented (Public Resources Code §21081.6(b)).

Monitoring Implementation

The general plan should be a dynamic document. It is based on a snapshot of community values, politics, and conditions at a particular moment in time, i.e., upon plan adoption. Since these factors are always in flux, local governments should continually monitor the relevance of their plans to ensure that they remain in touch with their evolving communities.

Each city and county should establish formal procedures for regularly monitoring the effectiveness of its general plan. When a monitoring program reveals a plan inadequacy, the city or county should amend or, if necessary, totally revise the general plan to bring it up to date.

Those portions of the plan having a short-term focus, such as the implementation program, should be annually reviewed and amended as necessary. The review should take into account the availability of new implementation tools, changes in funding sources, and the feedback from plan monitoring activities. Indeed, §65400(b) requires the planning agency to “[p]rovide an annual report to the legislative body on the status of the plan and progress in its implementation.” The local agency must include as part of this report an evaluation of its progress toward meeting its share of the regional housing need (§65584) and local efforts to remove the governmental constraints that may serve as obstacles to meeting those needs (§65583). More information on the annual progress report is provided in Chapter 9.

At least once every five years, each local planning agency should thoroughly review its entire general plan and revise the document as necessary. State law requires every city and county to evaluate its housing element as

frequently as necessary and to revise the element as appropriate not less than every five years (§65588).

Under CEQA, a local government must establish a mitigation monitoring or reporting program for its general plan whenever approving the plan involves either the adoption of a mitigated negative declaration or specified EIR-related CEQA findings. Logically, the program should be part of plan monitoring activities, such as the annual planning report.

GENERAL PLAN AMENDMENTS

The most common sort of revision to a general plan is an amendment associated with a privately initiated development project. Generally, local governments may not amend any one of the mandatory elements of the general plan more than four times in one calendar year (§65358(b)). However, this limitation does not apply to:

- ◆ Optional elements.
- ◆ Amendments requested and necessary for affordable housing (§65358(c)).
- ◆ Any amendment necessary to comply with a court decision in a case involving the legal adequacy of the general plan (§65358(d)(1)).
- ◆ Amendments after January 1, 1984, to bring a general plan into compliance with an airport land use plan (§65302.3).
- ◆ Amendments needed in connection with the adoption of a comprehensive development plan under the Urban Development Incentive Act (Health and Safety Code §56032(d)).
- ◆ Any amendments for the purpose of developing a certified Local Coastal Program (Public Resources Code §30500(b)).

Section 65358(b) provides that each amendment may include more than one change to the general plan. At four times during the year, many local governments group together several proposals for change, review them individually, and analyze their cumulative effects. Any one proposal in the package can be altered or deleted up until the time of adoption.

If the board or council finds itself making frequent piecemeal amendments, major defects may exist in the general plan. In these cases, the jurisdiction should consider a plan update or a major plan revision to address these issues.

Amendment of a general plan is subject to the initiative and referendum processes. In *DeVita v. County of Napa* (1995) 9 Cal. 4th 763, the California Supreme Court held that Elections Code §9111 permits the adoption or amendment of a general plan by initiative and referendum (although the court left open the question of whether the housing element may be so adopted or amended). In addition, the court stated that initiative amendments must conform to the requirements of planning law, including consistency requirements.

For amendments other than those undertaken by initiative, local governments must follow the notice and hearing procedures outlined in §65350, et seq. The procedure is the same as for enactment of a general plan, including adoption of a resolution by the legislative body. Section 65354.5(a) requires cities and counties to establish procedures for any interested party to appeal a planning commission decision.

Additionally, general plan amendments are subject to CEQA. Pursuant to *Landi v. County of Monterey* (1983) 139 Cal.App.3d 934 and later case law, amendments are not subject to the Permit Streamlining Act (§65920 et seq.).